NWT Plain Talk
On Land and Self-government
August 2000

Welcome back... to the second edition of Plain Talk

Lots has happened in the NWT since our first edition in April, 2000. The Intergovernmental Forum got under way this spring. Smith's Landing First Nation celebrated the signing of their final Treaty Land Entitlement Agreement, followed by the initialling of Akaitcho Treaty 8's Framework Agreement in June. South Slave Métis negotiations resumed after a 2-year break, and negotiations are progressing between Salt River First Nation and Canada to create a reserve in the Fort Smith area.

All of these activities continue to raise questions about claims and self-government. *Plain Talk on Land and Self-government* is produced by the Government of Canada to help northerners understand these concepts, how they work, and what they mean in our day-to-day lives. Northerners need to understand what has been accomplished so far through land and self-government negotiations, and what the future holds. Look to *Plain Talk* for up-to-date information on these issues that are so important and pivotal to the future of the North.

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Federal-Territorial-Aboriginal relationships – first Intergovernmental Forum

Aboriginal, territorial and federal leaders talk about issues important to all people of the Northwest Territories.

Intergovernmental Relationships

The aim of intergovernmental relations is to find ways to work together on a government-to-government-to-government basis. In the Northwest Territories, self-government negotiations are resulting in formal recognition of community, regional or tribal Aboriginal governments. Negotiations will also clarify how Aboriginal governments relate to public governments at all levels. Northern leaders recognize that there is a need to develop strong intergovernmental relationships to ensure opportunities in the Northwest Territories are realized in the best interests of all residents.

Intergovernmental Forum

The first Intergovernmental Forum meeting was held in Hay River on May 5, 2000. Participants included:

- Robert Nault, Minister of Indian Affairs and Northern Development (DIAND)
- Stephen Kakfwi, Premier, Government of the Northwest Territories (GNWT)
- Aboriginal leaders from all regions of the Northwest Territories.

The forum was hosted by the GNWT and co-chaired by Jim Antoine, Minister of Aboriginal Affairs and Richard Nerysoo, President of the Gwich'in Tribal Council, on behalf of Aboriginal leaders. During the forum, Aboriginal, territorial and federal leaders committed to an ongoing working relationship on territory-wide issues beginning with:

- pipeline developments, non-renewable resource and broader economic development issues;
- devolution and the governance structures necessary to make this happen;
- capacity building for Aboriginal governments, including joint program and service initiatives; and
- developing principles to guide the Intergovernmental Forum process.

Progress in these areas will lead to greater self-reliance for all northern governments in the Northwest Territories.

Evolution of the Intergovernmental Forum

1997
Gathering Strength, federal government's response to Royal Commission on Aboriginal Peoples (RCAP) released.
Renewing Partnerships key theme.

January 1998
Regional Aboriginal leaders meet with Federal Minister, Department of Indian Affairs and Northern Development.
Future governments want to work with Canada on governance and economic development.

Government of the Northwest Territories and Aboriginal leaders agree on priorities, including:

- progress on land claims and self-government
- National Healing Strategy
- Resource Revenue Sharing
- Economic Development
- Capacity Building

August 1998
Discussions between Federal, Territorial and Aboriginal officials begin.
Intergovernmental Forum concept developed.

March 1999
Dene Chiefs resolution supporting Intergovernmental Forum concept.

June 1999
Joint work planning session occurs.

November 1999
First preliminary officials meeting.

January 2000
Government of the Northwest Territories releases partnership agenda "Towards a Better Tomorrow".

May 2000
First Intergovernmental Forum.

Canada

Treaty #8 Centenary

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On July 25, 1900, the Government of Canada entered into Treaty #8 with Aboriginal people from Fort Resolution and the surrounding area.

Embracing an area of some 840,000 square kilometres, Treaty #8 encompassed much of what is now the northern half of Alberta, the northeastern quarter of British Columbia, the northwestern corner of Saskatchewan, and the area south of Hay River and Great Slave Lake in the present-day Northwest Territories.

The Government of Canada believes that treaties - both historical and modern - and the relationship they represent, provide a basis for developing a strengthened and forward-looking partnership with Aboriginal people. The Government of Canada affirms that treaties, both historical and modern, will continue to be a key basis for relationships in the future.

For more information, check out the Treaty #8 Centenary website at: www.t8centenary.com

Profile

Delia Opekokew

Newly appointed Chief Federal Negotiator for South Slave Metis negotiations

A new Chief Federal Negotiator has been appointed for negotiations with the South Slave Metis Tribal Council (SSMTC). On April 13, 2000, DIAND Minister Nault announced that Ms. Delia Opekokew had been appointed as Chief Federal Negotiator.

Ms. Opekokew is an experienced lawyer, specializing in Aboriginal and treaty law. Her work experience includes being a Commissioner on the Lachance/Nerland Commission of Inquiry, and the negotiator for a number of claims, including the Tallcree Tribal Government of Alberta's Treaty Land Entitlement, the Eel River First Nation of New Brunswick's loss of use claim; and the Canoe Lake Cree Nation in a Saskatchewan settlement. Ms. Opekokew was born on the Canoe Lake Indian Reserve in Saskatchewan.

Now that a Chief Federal Negotiator has been appointed, talks have resumed with the SSMTC on the basis of the SSMTC Framework Agreement signed in 1996. The parties met in May, and formal negotiations began in June in Yellowknife.

"As Chief Federal Negotiator, I will be guided by principles of dignity, integrity and fairness in the course of these negotiations," said Chief Federal Negotiator Delia Opekokew. "That the negotiations have resumed is good news, not only for the Metis in the South Slave region, but for everyone in the Northwest Territories who want to see these issues finally resolved. I believe we are off to a good start and I am optimistic about these negotiations."

The South Slave Metis process is a policy-based process for those Metis indigenous to the South Slave region prior to 1921. When the Treaty 8 Dene originally decided to pursue treaty land entitlement under the 1990 Dene/Metis Final Agreement, some of the Metis were left without a means of addressing their interests. The South Slave Metis process was initiated to address this issue.

The SSMTC Framework Agreement lays out a two-stage negotiation process. The first stage is negotiation of an Agreement-in-Principle (AIP) on lands and resources, with self-government negotiations to begin upon initialling of the AIP.

Negotiations under way with Salt River First Nation

On May 6, 2000, following a meeting with DIAND Minister Robert Nault, Salt River First Nation (SRFN) and the GNWT announced that treaty land entitlement negotiations are now under way to settle outstanding land and other provisions in Treaty 8.

Treaty land entitlement (TLE) is a "specific claims" process. These negotiations seek to provide a reserve land base for Salt River First Nation, and thus fulfill longstanding commitments arising from Treaty 8.

Treaty 8 was signed in Fort Fitzgerald in 1899. Today, many SRFN members reside in and around the Town of Fort Smith. SRFN has been identifying land interests in and around Fort Smith, and in Wood Buffalo National Park, with the intent of minimizing disruption to third parties as much as possible. Negotiations are under way, and no agreement has been reached to date.

Representatives of the Fort Smith Town Council sit on a Lands Working Group to ensure that the interests of the Town and its residents are taken into consideration in discussions during the land selection process.

In terms of next steps, a Memorandum of Intent is expected to be reached between Salt River First Nation and the federal and territorial governments within the next year. It will outline the essential components of the final treaty land entitlement agreement for Salt River First Nation.

Up until 1997, Salt River First Nation and Smith's Landing were negotiating a TLE as one First Nation group. In 1997, members from Smith's Landing began the process of forming their own band and pursuing a TLE settlement in Alberta (see page 4 for more details). Salt River First Nation agreed and supported Smith's Landing in their negotiations. Salt River First Nation is now looking forward to the conclusion of their own TLE.

Federal land claim policy recognizes two categories of claims: specific and comprehensive.

A "Comprehensive claim" is a modern day treaty, and is based on the concept of Aboriginal title and the traditional native use and occupancy of land.

The "specific claim" process was set up to resolve outstanding obligations between a First Nation and the Crown, that stem from a treaty, an agreement, or other lawful obligation.

Events Around the North

On June 13, 2000, Akaitcho Treaty 8 Chiefs, and representatives of the governments of Canada and the Northwest Territories were in Lutsel K'e to initial the Akaitcho Treaty 8 Framework Agreement.

Federal – Territorial – Aboriginal ... cont'd from page one

Intergovernmental process

The intergovernmental process is based on guiding principles. During the first forum meeting, the key features of an intergovernmental process were identified. These will serve as a guide for federal, territorial, and Aboriginal leaders. Participants have agreed to the following to define what, and how, the intergovernmental process works:

- the forum is decision oriented;
- mandated, representative governments are at the table to address issues on a territorial basis;
- all parties have the capacity to participate;
- the forum respects community and regional priorities and issues;
- the "intergovernmental relationship" is shaped and defined by the parties themselves in partnership, not pre-determined by one party;
- a flexible agenda exists, and is supportive of existing relationships;
- an open, transparent environment exists for discussion and dialogue to occur, and basic factual information is provided to all northerners.

The intergovernmental process is designed to be distinct from, and yet be supportive of what is being negotiated at claims and self-government tables. The relationship is based on mutual respect for the rights and interests of all parties.

Next steps

Federal, territorial and Aboriginal leaders agreed that work will proceed during the summer on the issues identified. Regional and community discussions will occur during the summer at Aboriginal assemblies and other meetings. Leaders also agreed that a second Intergovernmental Forum will be held in the Fall 2000. Included in this effort is work to make information on the forum available to all residents.

This article was published with the authority of the Intergovernmental Forum.

Final Agreement reached with Smith's Landing

On May 6, 2000, hundreds of visitors arrived in Fort Fitzgerald to celebrate the signing of Smith's Landing's final Treaty Land Entitlement Agreement. The final agreement fulfils a long-standing obligation to the Smith's Landing First Nation under the terms of Treaty 8, signed in 1899.

DIAND Minister Robert Nault, Alberta's Associate Minister of Aboriginal Affairs Pearl Calahasen, Minister of Canadian Heritage, Shiela Copps, and Smith's Landing First Nation Chief Jerry Paulette signed the final agreement. Under the agreement:

- Alberta provided Smith's Landing with 19,000 acres (7,600 hectares) of unoccupied Crown land and $3.2 million; and,
- Canada provided a one-time payment of $28 million and approximately 2,500 acres (1,000 hectares) of additional land contained within Wood Buffalo National Park.

Up until 1997, Salt River First Nation and Smith's Landing were negotiating a TLE as one First Nation group. Smith's Landing is located across the border in Alberta, however. So in 1997, the Smith's Landing group decided to seek separate band status and a TLE in Alberta (see Page 3 for more information on Salt River's negotiations). Chief Paulette said people were pretty excited about signing the final agreement, and the fact that Smith's Landing First Nation is now officially recognized by DIAND as a distinct Indian band. Chief Paulette sees the final signing as the end of one phase where the necessary lands and resources were acquired, and the beginning of a new phase where they can now start building a better future for their people.

"The claim gives us the resources to build our human resource capacity so that we can deal with issues like health, education, and traditional issues that need to be addressed at the community level. It just gives us enormous resources to work with," said Chief Paulette.

On the web

Visit the following for more information:

Government of Canada programs and services:
Government of Canada home page:
www.gc.ca

Plain Talk on the web:
DIAND site:
www.inac.gc.ca/nt/pt/index_e.html

Various claims agreements:
DIAND site:
www.inac.gc.ca/pr/agr/index_e.html

Q. If I own land in an area where a First Nation is interested in selecting land as part of their claim, what are my rights as a property owner?

A. As is the case with claims settlements across the country, private property is not generally affected by claims settlements. No-one who owns land in a land claim area is going to have that land taken away to settle a claim. In many of the areas where claims are being negotiated, there is available Crown land, land owned by the territorial or federal governments. That land can be used to settle land claims. It may be that if the Aboriginal group negotiates a cash settlement, it may want to purchase land which is owned by someone else, but in that case, it would be on a willing seller-willing buyer basis, just like any other real estate deal.

Do you have a question about land or self-government negotiations in the NWT? We'd be happy to provide an answer. Contact us at the address listed below.

Plain Talk is produced to provide general information on topics related to land claims and self-government. It is not a legal document.

We welcome your input!
Please direct questions or comments to:

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Published under the authority of the Minister of Indian Affairs and Northern Development, Ottawa, 2000
http://www.inac.gc.ca

QS-Y137-000-EE-A1
Catalogue No. R72-284/2000E
ISBN 0-662-28568-9

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